

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Fourteenth Judicial District Court, County of Musselshell

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-17-001
-vs-	)	
	)	DECISION
JAMES EDWARD DOUGHERTY, JR.,	)	
	)	
Defendant.	)	

On July 17, 2017, the District Court sentenced the Defendant to the Montana State Prison for five (5) years and a \$500 fine for Count II: Partner Family Member Assault, a felony. For Count III: Criminal Endangerment, a felony, the Court sentenced the Defendant to the Montana State Prison for ten (10) years, with five (5) years suspended, and a \$500 fine. Counts I and IV were dismissed. Defendant was given credit for 162 days of time served and \$70 a day against his fines. In an Amended Judgment, the Court added its oral recommendation that should the Defendant be released on parole or community discharge, he participate in an extended work release program and prerelease prior to his transition directly into the community.

On February 23, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by videoconferencing from the Dawson County Correctional Facility and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.


Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 23<sup>rd</sup> day of February, 2018.

DATED this 9<sup>th</sup> day of March, 2018.

SENTENCE REVIEW DIVISION

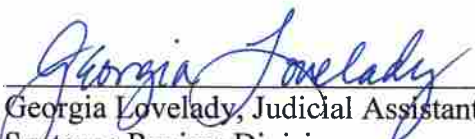
  
Hon. Kathy Seeley, Chairperson

  
Hon. Brenda Gilbert, Member

  
Hon. Dan Wilson, Member

Copies mailed this 13<sup>th</sup> day  
of March, 2018, to:

Clerk of District Court (Original)  
James Edward Dougherty, Jr. #2040206, Defendant (2)  
Hon. Randal I. Spaulding  
Brent Getty, Defense Counsel  
Kevin Peterson, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division